

Notice of Allowability

Application No.

10/715,103

Examiner

Laura C. Cole

Applicant(s)

CHOI, MAN SOO

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 13 April 2005.
2. ☒ The allowed claim(s) is/are 16-20.
3. ☒ The drawings filed on 17 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05242005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Siminski on 24 May 2005.

The application has been amended as follows:

In the Claims:

Cancel Claims 1-15

Claim 16 Line 6 please delete the second occurrence of - - a - - and in its place insert - - an - -

Claim 16 Line 7 please delete "communicating" and in its place insert "communicates"

Claim 16 Line 7 please delete the second occurrence of - - a - - and in its place insert - - an - -

Claim 20 Line 1 please delete "16" and in its place insert - - 16 - 19 - -

The following is an examiner's statement of reasons for allowance:

None of the prior art made of record includes a first member with two open ends that is fixedly installed with a guiding member, a brush supporting structure having a body with a brush at the upper portion and formed with a hole and a upward extending

Art Unit: 1744

member extending upward from the body to the brush and having a hollow portion which communicating with the hole and a upper opening, a second member, a protection cap covering the upper portion of the first member having a pressing projection engaging into the upper opening of the upward extending member, a length variable member having a supporting disc and a plurality of segments, the supporting disc fixed on the inner bottom of the second member, wherein the segments comprise an outermost segment, and a coupling segment, the outermost segment engaged with the supporting disc and the guiding member, the coupling segment is slidably received in the outermost segment and has a coupling portion, and the upper end of the length variable member positioned in the upward extending member is provided with a cylindrical member elastically supported by a spring.

JP 2004-167249 and USPN 6,405,402 have the same inventive entity as the present application, however the publication date of JP 2004-167249 is after the present application's own priority date. USPN 6,405,402 further does not include a brush support structure having a body formed with a hole and an upward extending member extending upward from the body to the brush and having a hollow portion which communicates with the hole and a upper opening, a projection cap having a pressing projection engaging into the upper opening of the upward extending member, the length variable member does not have a supporting disc, and thereby does not have an outermost segment engaged with a supporting disc.

USPN 5,339,483 to Byun discloses a cosmetic brush that has telescopic movement, however does not include a guiding member fixedly installed with a first

Art Unit: 1744

member, a brush support structure having a body formed with a hole and an upward extending member extending upward from the body to the brush and having a hollow portion which communicates with the hole and a upper opening, a projection cap having a pressing projection engaging into the upper opening of the upward extending member, a length variable member having a supporting disc or plurality of segments, and also does not include a spring.

USPN 1,725,464 to Lysons and USPN 2,944,274 to Hopkins each disclose types of fountain brushes that provide shaving cream or other cosmetic treating material from a reservoir to a brush surface. Lysons and Hopkins each provide a teaching of a projection cap with a pressing projection that is received by a brush support structure that has a hole and an upper extending member that is extending upwardly having a hollow portion, which is present in order to prevent the cosmetic treating material from leaking out of a reservoir that is contained in the assembly.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC
LCC

24 May 2005



JOHN KIM

SUPERVISORY PATENT EXAMINER